

TITLE 9

PROPERTY MAINTENANCE

Chapter 1 ADMINISTRATION

9-1-1. Purpose & Scope.

The purpose of the Property Maintenance Ordinance provides for the protection of public health, safety, property values, and general welfare as it pertains to properties and buildings for residential and non-residential uses. This protection is hereinafter provided by the following:

- 1) Establishing minimum standards for maintaining residential and non-residential properties, thereby preserving the quality of the built environment; avoiding blight due to substandard maintenance of structures and properties and its negative impact on the value of surrounding properties; and eliminating hazardous conditions;
- 2) Defining the responsibilities of owners, operators and occupants of structures and properties;
- 3) Providing for administration, enforcement, and penalties. It is the intent of the City to work with all citizens to further the best interest of the community, through fair and consistent administration of this Property Maintenance Ordinance.

9-1-2. Definitions.

(a) Blight - Unsightly condition including the accumulation of debris, litter, rubbish, rubble, structures or fences characterized by holes, breaks, rot, crumbling, cracking, peeling, or rusting; landscaping that is dead, characterized by uncontrolled growth or lack of maintenance, or damaged; and any other similar conditions of disrepair and deterioration regardless of the condition of other properties in the neighborhood.

(b) Bulky Waste - stoves, refrigerators, water tanks, washing machines, furniture and other waste materials other than construction debris, dead animals, hazardous waste or stable matter with weights or volumes greater than those allowed for bins, such as bulky waste to be picked up by Sandy City only during those specifically authorized community clean-up drives as may be sponsored from time to time by Sandy City.

(c) Commercial and Industrial Refuse - All bulky waste, construction debris, garbage, rubbish and stable matter generated by a producer at a commercial and industrial unit.

(d) Contractor - The person, corporation or partnership performing refuse collection and disposal under contract with the City.

(e) Dead animals - Animals or portions thereof equal to or greater than 10 lbs. in weight that have expired from any cause except those slaughtered or killed for human use, such dead animals to be included as part of the normal garbage and refuse pickup only in the event that such pickup is allowed and authorized by the Salt Lake Valley Health Department and the landfill to which the garbage and refuse is eventually deposited.

(f) Director - Shall mean the Sandy City Community Development Director and/or the Salt Lake Valley

Health Department Director unless otherwise identified in this title.

(g) Disposal Site - A refuse depository including but not limited to sanitary landfills, transfer stations, incinerators, and waste processing/separation centers licensed, permitted or approved by all governmental bodies and agencies having jurisdiction and requiring such licenses, permits or approvals.

(h) Fence - Shall include any tangible barrier, an obstruction of any material, a line of obstacles, lattice work, screen, wall, hedge, or continuous growth of shrubs or trees with the purpose of, or having the effect of, preventing passage or view across the fence line.

(i) Garbage - Any and all dead animals of less than 10 lbs. in weight, except those slaughtered for human consumption; every accumulation of waste (animal, vegetable and/or other matter) that results from the preparation, processing, consumption, dealing in, handling, packing, storage, transportation, decay or decomposition of meats, fish, fowl, birds, fruits, grains or other animal or vegetable matter (including, but not by way of limitation, used tin cans and other food containers; and all putrescible or easily decomposable waste animal or vegetable matter which is likely to attract flies or rodents); except (in all cases) any matter included in the definition of bulky waste, construction debris, dead animals, hazardous waste, rubbish or stable matter, subject to the requirements and provisions respecting the pickup of any of the above included items as may be required by the Salt Lake County Valley Health Department and the landfill to which the garbage is eventually carried and deposited.

(j) Hazardous - Involving or exposing one to risk.

(k) Hazardous Waste - Any chemical, compound, mixture, substance or article which is designated by the United States Environmental Protection Agency or appropriate agency of the State to be "hazardous" as that term is defined by or pursuant to Federal or State law.

(l) Horticulture - Having to do with the growing of fruits, vegetables, flowers, or ornamental plants.

(m) Junk - Junk is any worn out, cast-off or discarded article or material which is ready for destruction or has been collected or stored for salvage or conversion to some other use. Any article or material which, unaltered or unchanged and without further reconditioning, can be used for its original purpose as readily as when new shall not be considered junk.

(n) Junk Vehicles - A junk vehicle is any vehicle that:

- (1) has been made inoperable due to a collision or other violent act; or
- (2) has had parts removed from the vehicle rendering the vehicle inoperable, or contains defective parts making the vehicle inoperable, and has remained in such state for a period longer than thirty (30) days. Portions of junk vehicles, such as hoods, fenders, radiators, rims, motors, etc. not being immediately utilized for the repair of a motor vehicle, shall be considered junk, or
- (3) Is not licensed or registered and is in a condition of deterioration or disrepair, that includes but is not limited to a vehicle that is or has any of the following conditions: dismantled, broken windows, broken head or tail lights, flat tires, no tires, missing doors, missing windows, missing paint, missing fenders, missing hood or missing trunk.

(o) Landscaping - The finishing and adornment of unpaved areas. Materials and treatment generally include naturally growing elements of grass, trees, shrubs, and flowers. Treatment may also include the use of rocks, crushed stone, bark, mulch, fountains, benches, and contouring of the earth.

(p) Maintenance - An activity that restores the character, scope, size, or design of a serviceable area, structure, or land use to its previously existing authorized, and undamaged condition. Activities that change the character, size, or scope of a project beyond the original design and drain, dredge, fill, flood, or otherwise alter additional regulated wetlands are not included in this definition.

(q) Owner - The term owner as used herein shall be the person, firm, or corporation in whose name said premises are listed in the records of deeds in the Recorder's Office for Salt Lake County, Utah.

(r) Property/Lot - A lot, parcel, tract, or plot of land together with the buildings and structures thereon.

(s) Residential - Regularly used by its occupants as a permanent place of abode, which is made one's home as opposed to one's place of business as which has housekeeping and cooking facilities for its occupants only.

(t) Rubbish - All waste wood, wood products, tree trimmings, grass cuttings, dead plants, weeds, leaves, dead trees or branches thereof, chips, shavings, sawdust, printed matter paper, pasteboard, rags, straw, used and discarded mattresses, used and discarded clothing, used and discarded shoes and boots, combustible waste pulp and other products such as are used for packaging or wrapping crockery and glass, ashes, cinders, floor sweepings, glass, mineral or metallic substances, and any and all waste materials not included in the definition of bulky waste, construction debris, dead animals, garbage, hazardous waste or stable matter, subject to the provisions that none of the above shall be collected by the agents of Sandy City unless such rubbish is packaged in compliance with the regulations of Sandy City regarding the size and weight of such rubbish packaging.

(u) Screen - A structure providing enclosure and a visual barrier between the area enclosed and the adjacent property. A screen may also be non-structure, consisting of shrubs or other growing materials.

(v) Structure - Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. A building is included in this definition. Any structure two feet or above in grade shall meet all underlying zoning requirements.

(w) Vehicle - A machines propelled by power other than human power, and includes campers, trailers, and other equipment designed to be carried upon or towed behind such powered vehicle, designed to travel along the ground by use of wheels, treads, runners or slides, or upon such vehicle, and transport persons or property or pull machinery, and shall include, without limitation, automobile, airplane, truck, trailer, camper, motorcycle, motor scooter, recreational vehicle, tractor, buggy and wagon.

(x) Wall - A constructed solid barrier of concrete, stone, brick, tile, wood, or similar type of material that closes, marks, or borders a field, yard, or lot, and that limits visibility and restricts the flow of air and light.

(y) Xeriscaping - Landscaping characterized by the use of vegetation that is drought-tolerant or of low water use in character.

9-1-3. Inspection / Investigation.

The director shall be authorized to make examination and investigation of all real property in the City to determine whether owners of such property are complying with the provisions of this title.

9-1-4. Notice.

Upon determination that a violation of the provisions of this title exists, the Community Development Director or his/her designee shall ascertain the name of the owner and address of the parcel where the violation exists, and shall serve notice in writing upon the owner or occupant at the last known post office address as disclosed by the records of the county recorder, requiring such owner or occupant, as the case may be, to eradicate, destroy, or remove the violation within such time as the director or his authorized representative may designate.

9-1-5. Enforcement.

Any individual(s), firm or corporation violating the provisions of this title shall remove or cause to be removed the violation, and in the event of failure such persons shall be deemed guilty of violating the provisions of this ordinance.

9-1-6. Penalty.

Any violation of the provisions of this title shall be deemed a Class B misdemeanor and shall be punished as provided under State statute.

9-1-7. Abatement of Weeds, Garbage or Refuse.

a. Failure to Remove Violation. If any owner or occupant of property described in the notice provided in this chapter shall fail to eradicate or destroy and remove such weeds, garbage or refuse in accordance with such notice, the director is authorized to employ necessary assistance and cause such weeds, refuse or garbage to be destroyed or removed. The director shall prepare an itemized statement of all expenses incurred, including an administrative processing fee not to exceed \$100.00 in the removal and destruction of same and shall mail a copy thereof to the owner demanding payment within twenty (20) days of the date of mailing. Such notice shall be deemed delivered when mailed by registered mail and addressed to the last known address of the property owner.

b. Alternate Methods of Compelling Payment. In the event the owner fails to make payment of the amount set forth in said statement to the Treasurer within 20 days of the date of mailing, the director may either cause suit to be brought in an appropriate court of law or refer the matter to the County Treasurer as provided in this chapter.

1. Collection by Lawsuit. In the event collection expenses of destruction and removal are pursued through the court, the City may sue for and receive judgement for all expenses of destruction, eradication and removal, together with reasonable attorney's fees, interest and court costs and may execute upon such judgement in the manner provided by law.

2. Collection Through Taxes. In the event that the director elects to refer the expenses of destruction or removal to the County Treasurer for inclusion in the tax notice of the property owner, he shall make in triplicate an itemized statement of all expenses incurred in such destruction and removal and shall deliver three copies of the statement to the County Treasurer within 10 days after the completion of the work of destroying or removing such weeds, garbage, or refuse.

3. Costs of Removal to be Included in Tax Notice. Upon notice of the itemized statement of the costs of destroying or removing such weeds, garbage or refuse the County Treasurer shall forthwith mail one copy to the owner of the land from which the same were removed, together with a notice that objection in writing to the County may be made within thirty (30) days to the whole or any part of the statement so filed. The County Treasurer shall, at the same time, deliver a copy of the statement to the clerk of the County. If objections to any statement are filed with the County, they shall set a date for hearing, giving notice thereof, and upon the hearing of the matter, fix and determine the actual cost of destruction or removal, reporting their findings to the County Treasurer. If no objections to the items of the account are made within thirty (30) days of the date of mailing, the County Treasurer may enter the amount of such statement on the assessment rolls of the County in the column prepared for that purpose. The Treasurer shall, within ten (10) days of the date of the action of the County upon any objections filed, enter in the prepared column, upon the tax rolls, the amount found by the County to be the cost of destruction and removal. If current tax notices have been mailed, the taxes so incurred may be carried over on the rolls to the following year. After the entry by the County Treasurer to the costs of removing weeds, garbage or refuse the amount so entered shall have the force and effect of a valid judgement of the District Court and shall be a lien upon the lands from which the weeds, refuse or garbage were removed and destroyed and shall be collected by the County Treasurer at the time of payment of general taxes. Upon payment thereof, receipt shall be acknowledged upon the general tax receipt issued by the Treasurer.

9-1-8. Junk Vehicle/Vehicle Repair Standards.

(a) Maximum Number. A maximum of one junk vehicle may be stored or repaired upon a lot outside a fully-enclosed permanent structure.

(b) Junk Vehicle Storage. A junk vehicle shall be stored within a fully-enclosed permanent structure, or it shall be stored in compliance with the following requirements:

(1) On an interior lot, it must be stored on a hard-paved surface e.g. concrete, asphalt, brick or water impenetrable surface in either a side or rear yard.

(2) On a corner lot, it must be stored on a hard-paved surface e.g. concrete, asphalt, brick or water impenetrable surface in an interior side yard or rear yard not facing a street or, if in a side or rear yard which faces a street, it must be screened from view from the street by a 6-foot opaque fence.

(3) It shall be covered with a cover manufactured specifically for covering vehicles and which is approved by the Director of Community Development or his designee (tarps are not allowed).

(4) It must be owned by the occupant of the residence.

(c) Vehicle Repair. A vehicle which is being repaired may be located on a driveway in front of a garage or carport if it complies with all other requirements for storage of a junk vehicle; or it must comply with all requirements for storage of a junk vehicle as set forth above.

(1) All repairs must be completed within thirty (30) days of notice from the Department of Community Development to repair or remove the vehicle.

(2) The Community Development Director, or his designee, may grant a maximum of one 30-day extension if the owner provides proof and the Director determines:

(A) The repair work has progressed continuously throughout the initial 30-day period; and

(B) The owner must show that substantial progress has been made in repairing the vehicle.

(3) The vehicle shall be removed from the lot upon expiration of thirty days or the additional 30-day extension unless stored as provided in Section 9-1-8(a) and (b).

(4) The vehicle must be owned by and registered to the occupant of the residence.

Chapter 2 LANDSCAPING, STRUCTURE & LOT MAINTENANCE

9-2-1. Landscaping.

(a) Landscaping Required. Yard and setback areas visible from street access, including parkstrips, that are not utilized as approved parking or access for vehicles, trailers, etc., shall be landscaped. Landscaping shall include the treatment of the ground surface with live materials such as, but not limited to, sod, grass, ground cover, trees, shrubs, vines and other growing horticulture plant material. In addition, a combination of xeriscape plantings and designs that may include other decorative surfacing such as bark chips, crushed stone, mulch materials, or pavers shall also meet landscaping requirements. Structural features such as fountains, pools, statues, and benches shall also be considered a part of the landscaping, but such objects alone shall not meet the requirements of landscaping.

(b) Installation Time Frame Requirements. Landscape materials must be installed within six (6) months of occupancy. This shall apply to all new or existing residential or non-residential structures that are in a blighted condition, which do not comply with this ordinance. This time frame will allow the owner to choose the most appropriate time to plant trees and other landscaping to ensure the survival of the plant material. Typically, installation of landscaping occurs in the Spring or Fall.

(c) Maintenance. Individual(s) whether as owner, lessee, tenant, occupant, or otherwise shall be responsible for the continued proper maintenance of all landscaping materials. Landscaping shall be maintained in good condition so as to present a healthy, neat, and orderly appearance at all times. Landscaping shall be mowed, groomed, trimmed, pruned and watered according to water-wise conservation guidelines to maintain healthy growing conditions and not detract from the appearance of the immediate neighborhood. Landscaping shall be kept visually free of insects and disease, and shall be kept free from weeds and other volunteer plants. Irrigation systems shall be maintained so as to eliminate water loss due to damaged, missing, or improperly operating sprinkler system components. All unhealthy or dead plant material shall be replaced within three (3) months, or the next planting period (Spring or Fall), whichever comes first; while other defective landscape features shall be removed, replaced or repaired within three (3) months. The Community Development Department Director, or his designee, may approve one (1) three-month extension if substantial progress has been made or the individual(s) can show a hardship which has impeded the progress.

(d) Hazards. Landscaping shall be maintained to minimize property damage and public safety hazards, including the removal/replacement of dead or decaying plant material, removal of low hanging branches and those obstructing street lighting, sidewalks and traffic sight distance requirements. In the event a tree, shrub, or other plant causes damage to street, sidewalks, trails, or other public improvements, the Community Development Director and/or Public Works Director may order the removal of the offending vegetation and/or other landscape features.

9-2-2. Structure Maintenance.

Every foundation, exterior wall, and roof of every building/structure shall be constructed and maintained in good repair, thus allowing all rooms and other interior areas to be weather-tight, water-tight, and rodent proof.

9-2-3. Fences, Walls & Screens.

Fences, walls, or screens shall be constructed in accordance with the adopted building codes and be maintained in good condition. Surfaces shall be painted, stained, or constructed of decay resistant materials to protect and preserve the safety and appearance of the structure. If a fence, wall or privacy

screen is found to be in need of repair, the Community Development Director or his/her designee may issue orders to the owner to complete the repair.

9-2-4. Lot Maintenance.

(a) Lot Must be Maintained. Individual(s) whether as owner, lessee, tenant, occupant, or otherwise shall be responsible for the continued proper maintenance of the property. The exterior of all property and every structure thereon including but not limited to walls, roofs, cornices, chimneys, drains, towers, porches, landings, decks, fire escapes, stairs, signs, windows, doors, awning and all surfaces thereof, shall be maintained to avoid blight and shall be painted or protected where necessary for the purpose of preservation.

(b) Hazards/ Blight. All buildings and the exterior of all properties shall be properly maintained to achieve a presentable appearance which avoids blight and hazardous conditions. The exterior open space around each dwelling shall be maintained or so improved to provide for:

- (1) The immediate diversion of water away from buildings and proper drainage of the lot;
- (2) Sod, grass, plantings or other suitable ground treatment to prevent soil erosion which is or may become detrimental to the structures, lot use or adjacent lots and structures;
- (3) Yards, walks, parking areas, and driveways of a concrete, asphalt, pavers or similar surface which are of sound construction and property maintained;
- (4) Exterior steps which are of sound construction and property maintained free of hazardous conditions.

Chapter 3 WEED CONTROL

9-3-1. Weeds to be Maintained or Removed.

It shall be unlawful for any person, corporation, partnership, or legal entity owning or occupying real property in the City to allow weeds on such property to grow beyond the maximum height permitted or to fail to remove from the property any such weeds after having been given notice from the Director of the Salt Lake Valley Health Department or the Sandy City Community Development Director and/or the designated representative of either.

9-3-2. Standards of Weed Control.

Weeds shall be permitted to reach a height of not more than 6 inches at any time and shall be cleared from all real property in the City. The cuttings shall be cleared and removed from the premises.

9-3-3. Notice.

If notice has already been served upon the same property and owner, no further notice need be served to compel such weed removal.

Chapter 4 GARBAGE DISPOSAL

9-4-1. Disposal Regulated.

No person, firm or corporation shall, for the purpose of final disposal thereof, dump, place or bury in any lot, street, land, or in any alley, or in any water or waterway, within the corporate limits of Sandy City, any garbage, rubbish, bulky waste, dead animal or hazardous waste or other waste matter or any other deleterious or offensive substance, and all such substances must be disposed of at the Sanitary Fill operated by the City, or outside of the corporate limits of Sandy City.

9-4-2. Removal of Waste Required.

No person owning or occupying any building, lot or premises in Sandy City shall suffer, allow or permit to collect and remain upon said lot or premises any garbage and/or rubbish, for a period of more than one week.

9-4-3. Waste Receptacles.

(a) Every owner, tenant or occupant of any premises where garbage is created shall provide upon such premises, in a suitable place, one or more durable receptacles, or other durable receptacles as may be provided by the City for automated collection service, with tight fitting cover, for receiving and holding all garbage created upon such premises between the times of collection and removal. Every owner, tenant or occupant of any premises where rubbish is created shall, where necessary, in addition to the garbage receptacle, provide upon such premises in a suitable place, one or more receptacles, or depositories to contain all rubbish which may accumulate upon such premises between removals. All subscribers for service, as herein provided, shall at all times locate such receptacles at places, so as to be readily accessible for removing and emptying the same, but they shall not be placed within the limits of any street, or alley within the corporate limits of Sandy City, or anywhere so as to constitute a nuisance.

(b) All garbage and rubbish receptacles shall be kept in a clean and sanitary condition by the owner of person using the same, and garbage receptacles shall be kept tightly covered at all times except when garbage is being deposited therein or removed therefrom, and shall at all times be protected against the access by flies to the contents thereof.

(c) All garbage and rubbish receptacles shall not be stored within the front yard setback of a home, or in the case of corner lots, within the front and side setbacks adjacent to public streets, except during the time period set aside for garbage collection.

9-4-4. Garbage to be Placed in Receptacle.

(a) All garbage shall be placed in the garbage receptacle required by Section 9-4-3 of this ordinance. All rubbish must be placed in the receptacle, or depositories provided for said rubbish or in the garbage receptacle.

(b) No liquid garbage shall be deposited with any garbage or rubbish. All kitchen garbage shall be drained of all moisture and completely wrapped in paper being placed in the garbage container.

9-4-5. Compliance Required.

A duly authorized representative of Sandy City or the contractor engaged by Sandy City to provide solid waste removal shall, from time to time, examine the sanitary conditions of said premises and determine compliance with the provisions of this chapter. Upon notification, all persons, firms or corporations shall comply with the provisions of this chapter or be deemed guilty of a misdemeanor.

9-4-6. Collection Restricted.

It shall be unlawful for any person, firm or corporation other than those which have been authorized and approved by Sandy City, to collect, remove or dispose of garbage or newspaper in Sandy City. The provisions of this section shall not apply to any person transporting his own garbage or rubbish to the sanitary landfill or to places outside of City limits.

9-4-7. Frequency of Removal.

Removal of garbage or rubbish from the premises of the subscribers for service herein provided shall be made at least once each week.

9-4-8. Districts.

The City may be divided into sanitary districts for the purpose of collecting garbage and rubbish.

9-4-9. Fees and Methods of Collection.

(a) For the services of the solid waste collection and removal, in collecting and disposing of garbage and rubbish, the owner, tenant or occupant of each place to which the services of solid waste collection are made available, and each person disposing of his own garbage or rubbish at the sanitary landfill, shall be charged such fees as may be established by resolution of the City Council. Said fees and charges shall be deemed a civil debt owing to the City from the owner, tenant or occupant of the property to which the solid waste collection services are made available.

(b) The Sandy City Council may place solid waste collection and removal service charge on the culinary water statement and upon collection of the same, such funds shall be placed within the City Treasurer and disbursed by the City.

9-4-10. Rules and Regulations.

The City shall have the power to establish rules and regulations which are not inconsistent with the provisions of this chapter, which shall govern the keeping, collection, removal and disposal of garbage and rubbish within the City.

Chapter 5 STORAGE OF REFUSE

9-5-1. Storage of Refuse Prohibited.

(a) No person, firm or corporation shall deposit, store, maintain, collect, or permit the storage, deposit, maintenance or collection of any junk, junk vehicles, or rubbish, on his own property or any property it or they own or use under his or their control, or in any other place within the municipality, city street and alley or right-of-way or otherwise, unless expressly provided by law.

(b) Any person, firm or corporation violating the provisions of this ordinance shall after notification of said violation by the City, remove or cause to be removed, any junk, junk vehicles, and rubbish or have the same placed in an adequate enclosure or building, and in the event of failure he or they shall be deemed guilty of violating the provisions of this ordinance.

(c) The fact that such premises are rented or leased by the owner to another party shall not relieve said owner from the responsibilities herein created.

Chapter 6 SOLID WASTE MANAGEMENT REGULATION

9-6-1. Adoption of Salt Lake Valley Health Regulations.

The health regulations promulgated by the Salt Lake Valley Health Department entitled SOLID WASTE MANAGEMENT, comprising Sections 1.0 through 13.0 hereby adopted for use in Sandy City with the following modifications.

Section 2.2 shall read as follows:

2.2 Jurisdiction.

All solid waste management as defined in this regulation shall be subject to the regulatory direction and control of the Department to the extent that such direction and control is supplemental to and compatible

with rules and regulations previously adopted by Sandy City.